



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/158657

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**PRELIMINARY RECITALS**

Pursuant to a petition filed June 25, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by the Racine County Department of Human Services in regard to Medical Assistance, a hearing was held on July 30, 2014, at Racine, Wisconsin.

The issue for determination is whether the agency correctly denied Petitioner's BadgerCare+ application when Petitioner failed to provide verification of her income.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

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Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: Rhonda Kramer

Racine County Department of Human Services  
1717 Taylor Ave  
Racine, WI 53403-2497

**ADMINISTRATIVE LAW JUDGE:**

Corinne Balter

Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Racine County.
2. Petitioner has a household size of 1.

3. On April 21, 2014 Petitioner applied for BadgerCare+ (BC) coverage. The agency processed her application, and on April 30, 2014 they sent Petitioner a Notice stating Petitioner needed to provide proof of income. Petitioner's proof of income was due on May 21, 2014.
4. Petitioner never sent the agency proof of her income, and the agency denied her BC application on May 22, 2014 for lack of verification.

### **DISCUSSION**

An applicant for BC or a representative acting on the applicant's behalf is responsible for providing the agency with full, correct, and truthful information. Wis. Adm. Code §DHS 102.01(6). Income and assets must be verified. §DHS 102.03(3) (a) and (h). **MA shall be denied when the applicant is able to produce the required verification but fails to do so. §DHS 102.03(1).** (Emphasis added). If the applicant is unable to produce the verification, the agency must assist her/him. Id. An application must be processed within 30 days of its filing date. §DHS 102.04(1); §DHS 104.01(10). If there is a delay in securing information, the agency must notify the applicant of the delay and the reason for the delay. §DHS 102.04(1).

The Department interprets those requirements in its Income Maintenance Manual, Chapter I, Part C. Asset and income verification is mandatory. IMM, I-C-9.3.0 & 9.1.0. The county shall deny benefits when all of the following are true: (1) the applicant has been given adequate notice of the verification required, (2) the verification is necessary to determine current eligibility, (3) the applicant has the power to produce the verification, (4) the time allowed to produce the verification has passed. IMM, I-C-3.3.0. The agency generally should allow **10 days for verification**, but it cannot deny an application until at least 31 days have passed since it was filed. IMM, I-C-5.1.0.

In this case Petitioner stated that she received the notice stating that she needed to provide verification of her income. She admits that she failed to provide that verification. She was going to a Planned Parenthood clinic during this time period, and on the day the verification was due she tried to turn in the verification to the Planned Parenthood clinic for that clinic to fax to the agency. On that particular date the clinic had closed early, and she did not get her verification to the agency. As of the date of the hearing Petitioner still had not provided the agency with the verification they requested. The agency's denial of BC for failing to provide verification is sustained.

As a practical matter even if Petitioner had provided that verification she would likely have been ineligible for BC. At the hearing Petitioner stated that she makes approximately \$360 per week and that she is the only person in her household. This puts her monthly gross income at approximately \$1440. The program limit for a childless adult is one hundred percent of the federal poverty level, which is approximately \$972 in monthly gross income for a household size of one. The marketplace is another available insurance option for Petitioner if she is over the income for BC coverage. Petitioner may want to apply for the marketplace insurance as soon as possible to avoid missing any deadlines following this denial of BC coverage.

### **CONCLUSIONS OF LAW**

The agency correctly denied Petitioner's BC application for Petitioner failing to provide verification of her income.

**THEREFORE, it is**

**ORDERED**

The petition is dismissed.

## REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

## APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 1st day of August, 2014

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\sCorinne Balter  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on August 1, 2014.

Racine County Department of Human Services  
Division of Health Care Access and Accountability